

APPENDIX 8.3A

## Copies of Agency Consultation Letters

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**SBEF POWER PLANT**

**CONSULTATION LETTERS TO NATIVE AMERICAN CONTACTS PROVIDED BY NAHC**

<i><b>RECIPIENT</b></i>	<i><b>DATE SENT</b></i>	<i><b>MAILED</b></i>	<i><b>FAXED</b></i>	<i><b>E-MAILED</b></i>	<i><b>COMMENTS RECEIVED</b></i>	<i><b>FOLLOW-UP PHONE CALL</b></i>	<i><b>COMMENTS SUMMARY (FROM PHONE)</b></i>
<b>Diegueno/Kumeyaay</b> Clint Linton P.O. Box 507 Santa Isabel, CA 92070 (760) 803-5694 Cjlinton73@aol.com	<b>Jan 26</b>	<b>X</b>		<b>5/1/06</b>	Rec'd letter via email on 5/1/06.  Request the Archaeological Contractor obtain a local Kumeyaay/Diegueno Monitor to observe alongside an Archaeological Monitor.	<b>4/28/06</b>  <b>1:55 pm</b>  <b>Spoke with Clint Linton</b>	Letter being prepared
<b>Coastal Gabrieleno Diegueno</b> Jim Velásquez 5776 42nd Street Riverside, CA 92509 (909) 784-6660	<b>Jan 26</b>	<b>X</b>				<b>4/28/06</b>  <b>2:08 pm</b>  <b>Phone # out of service.</b>	
<b>Barona Group of the Capitan Grande</b> Rhonda Welch-Scalco, Chairperson 1095 Barona Rd. Lakeside, CA 92040 sue@barona.org (619)443-6612	<b>Jan 26</b>	<b>X</b>				<b>4/28/06</b>  <b>2:07 pm</b>  <b>Left message on VM.</b>	

**SBEF POWER PLANT**

**CONSULTATION LETTERS TO NATIVE AMERICAN CONTACTS PROVIDED BY NAHC**

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<b>Inaja Cosmit Band of Mission Indians</b> Rebecca Osuna, Spokesperson 309 S. Maple Street Escondido, CA 92025 Inaja_cosmite@hotmail.com	<b>Jan 26</b>	<b>X</b>	<b>X</b>		<b>2-9-06 Lisa Contreras responded. "No interest."</b>	<b>4/28/06</b> <b>2:10 pm</b>	<b>"No interest."</b> <b>Lisa Contreras,</b> <b>Vice Chairwoman</b>
<b>Barona Group of the Capitan Grande</b> Shella Alvarez (replaced David Baron) 1095 Barona Road Lakeside, CA 92040 (619) 443-6612	<b>Jan 26</b>	<b>X</b>				<b>4/28/06</b> <b>2:07 pm</b>	<b>"No interest, unless, something is discovered."</b> <b>Rena Wallace,</b> <b>Cultural Resources</b>
<b>Jamul Indian Village</b> Leon Acevedo, Chairperson P.O. Box 612 Jamul, CA 91935 (619) 669-4785 (619) 669-48178 (fax) jamulrez@pacbell.net	<b>Jan 26</b>	<b>X</b>	<b>X</b>			<b>4/28/06</b> <b>2:12 pm</b> <b>Left message on VM.</b>	
<b>Barona Group of the Capitan Grande</b> EPA Specialist 1095 Barona Road Lakeside, CA 92040 (619) 443-6612	<b>Jan 26</b>	<b>X</b>				<b>4/28/06</b> <b>2:07 pm</b>	<b>"No interest, unless, something is discovered."</b> <b>Rena Wallace,</b> <b>Cultural Resources</b>

**SBEF POWER PLANT**

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<b>Kumeyaay Cultural Historic Committee</b> Ron Christman 56 Viejas Grade Road Alpine, CA 92001 (619) 445-0385	<b>Jan 26</b>	<b>X</b>				4/28/06 2:15 pm Left written message.	
<b>Kumeyaay Cultural Repatriation Committee</b> Steve Banegas, Spokesperson 1095 Barona Road Lakeside, CA 92040 (619) 443-6612	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:07 pm (also part of Barona Group of Capitan Grande) Rec'd call with same message May 3 1:09 pm	"No interest, unless, something is discovered."  Rena Wallace, Cultural Resources
<b>Santa Ysabel Band of Diegueno Indians</b> Johnny Hernandez, Spokesperson PO Box 130 Santa Ysabel, CA 92070 (760) 765-0845 (760) 765-0320 fax brandietaylor@yahoo.com	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:24 pm Left message on VM.	

**SBEP POWER PLANT**

**CONSULTATION LETTERS TO NATIVE AMERICAN CONTACTS PROVIDED BY NAHC**

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<b>Kwaaymii Laguna Band of Mission Indians</b> Carmen Lucas PO Box 44 Julian, CA 92036 (619) 709-4207	<b>Jan 26</b>	<b>X</b>				4/28/06 2:16 pm Left message on Vm. 3:20 pm Rec'd message.	"No interest."
<b>Santa Ysabel Band of Diegueno Indians</b> Devon Reed Lomayesva, Esq, Tribal Attorney PO Box 130 Santa Ysabel, CA 92070 (760) 765-0845 (760) 765-0320 fax	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:27 pm Left message on VM.	
<b>Mesa Grande Band of Mission Indians</b> Mike Linton, Chairperson PO Box 270 Santa Ysabel, CA 92070 (760) 782-3818 (760) 782-9092 fax mesagrandeband@msn.com	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:18 pm Left message on VM.	

**SBEF POWER PLANT**

**CONSULTATION LETTERS TO NATIVE AMERICAN CONTACTS PROVIDED BY NAHC**

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<b>Santa Ysabel Band of Diegueno Indians</b> Rodney Kephart,, Environmental Coordinator PO Box 130 Santa Ysabel, CA 92070 (760) 765-0845	<b>Jan 26</b>	<b>X</b>				4/28/06 2:27 pm Left message on VM.	
<b>San Pasqual Band of Mission Indians</b> Allen E. Lawson, Chairperson PO Box 365 Valley Center, CA 92082 (760) 749-3200 (760) 749-3876 fax	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:18 pm Busy. 2:36 pm Busy.	
<b>Sycuan Band of Mission Indians</b> Danny Tucker, Chairperson 5459 Dehesa Road El Cajon, CA 92021 (619) 445-2613 (619) 445-1927 fax	<b>Jan 26</b>	<b>X</b>	<b>X</b>			4/28/06 2:31 pm Left message on VM.	
<b>Viejas Band of Mission Indians</b> Anthony Pico, Chairperson PO Box 908 Alpine, CA 91903 (619) 445-3810 (619) 445-5337 fax daguilar@viejas-nsn.gov	<b>Jan 26</b>	<b>X</b>	<b>Re-faxed 5/1/06</b>			4/28/06 2:35 pm Spoke with Pico's Assistant.	Please re-fax letter to Wendy Parnell. <b>(619) 445-5337 fax</b> <b>(619) 445-4810</b>



STATE OF CALIFORNIAArnold Schwarzenegger Governor**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 653-4082  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)



December 28, 2005

Clint Helton  
CH2MHILL  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707

Sent by Fax: 714-429-2050  
Number of Pages: 4

Re: Proposed Duke Energy South Bay Energy Facility, San Diego County

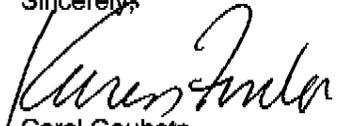
Dear Mr. Helton:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-6251.

Sincerely,

*for*   
Carol Gaubatz  
Program Analyst

**Native American Contacts**  
**San Diego County**  
**December 23, 2005**

Clint Linton  
 P.O. Box 507  
 Santa Ysabel , CA 92070  
 (760) 803-5694  
 cjlinton73@aol.com

Coastal Gabrieleno Diegueno  
 Jim Velasques  
 5776 42nd Street  
 Riverside , CA 92509  
 (909) 784-6660  
 Gabrieleno  
 Kumeyaay

Barona Group of the Capitan Grande  
 Rhonda Welch-Scalco, Chairperson  
 1095 Barona Road Diegueno  
 Lakeside , CA 92040  
 sue@barona.org  
 (619) 443-6612

Inaja Band of Mission Indians  
 Rebecca Osuna, Spokesperson  
 309 S. Maple Street Diegueno  
 Escondido , CA 92025  
 inaja\_cosmite@hotmail.com  
 (760) 737-7628  
 (760) 747-8568 Fax

Barona Group of the Capitan Grande  
 ATTN: David Baron  
 1095 Barona Road Diegueno  
 Lakeside , CA 92040  
 (619) 443-6612

Jamul Indian Village  
 Leon Acevedo, Chairperson  
 P.O. Box 612 Diegueno/Kumeyaay  
 Jamul , CA 91935  
 jamulrez@pacbell.net  
 (619) 669-4785  
 (619) 669-48178 - Fax

Barona Group of the Capitan Grande  
 ATTN: EPA Specialist  
 1095 Barona Road Diegueno  
 Lakeside , CA 92040  
 sue@barona.org  
 (619) 443-6612

Kumeyaay Cultural Historic Committee  
 Ron Christman  
 56 Viejas Grade Road Diegueno/Kumeyaay  
 Alpine , CA 92001  
 (619) 445-0385

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resource assessment for proposed Duke Energy South Bay Energy Facility, San Diego County.

**Native American Contacts**  
**San Diego County**  
**December 23, 2005**

**Kumeyaay Cultural Repatriation Committee**  
**Steve Banegas, Spokesperson**  
 1095 Barona Road  
 Lakeside, CA 92040  
 (619) 443-6612  
 (619) 443-0681 FAX

Diegueno/Kumeyaay

**Santa Ysabel Band of Diegueno Indians**  
**Johnny Hernandez, Spokesman**  
 PO Box 130  
 Santa Ysabel, CA 92070  
 brandietaylor@yahoo.com  
 (760) 765-0845  
 (760) 765-0320 Fax

Diegueno

**Kwaaymii Laguna Band of Mission Indians**  
**Carmen Lucas**  
 PO Box 44  
 Julian, CA 92036  
 (619) 709-4207

Diegueno - Kwaaymii

**Santa Ysabel Band of Diegueno Indians**  
**Devon Reed Lomayesva, Esq, Tribal Attorney**  
 PO Box 130  
 Santa Ysabel, CA 92070  
 (760) 765-0845  
 (760) 765-0320 Fax

Diegueno

**Mesa Grande Band of Mission Indians**  
**Mike Linton, Chairperson**  
 P.O Box 270  
 Santa Ysabel, CA 92070  
 mesagrandeband@msn.com  
 (760) 782-3818  
 (760) 782-9092 Fax

Diegueno

**Santa Ysabel Band of Diegueno Indians**  
**Rodney Kephart, Environmental Coordinator**  
 PO Box 130  
 Santa Ysabel, CA 92070  
 syirod@aol.com  
 (760) 765-0845

Diegueno

**San Pasqual Band of Mission Indians**  
**Allen E. Lawson, Chairperson**  
 PO Box 365  
 Valley Center, CA 92082  
 (760) 749-3200  
 (760) 749-3876 Fax

Diegueno

**Sycuan Band of Mission Indians**  
**Danny Tucker, Chairperson**  
 5459 Dehesa Road  
 El Cajon, CA 92021  
 619 445-2613  
 619 445-1927 Fax

Diegueno/Kumeyaay

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December 23, 2005

Viejas Band of Mission Indians  
Anthony Pico, Chairperson  
PO Box 908 Diegueno/Kumeyaay  
Alpine , CA 91903  
daguilar@viejas-nsn.gov  
(619) 445-3810  
(619) 445-5337 Fax

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**CH2MHILL**

**CH2M HILL**

3 Hutton Centre Drive

Suite 200

Santa Ana, CA 92707

Tel 714.429.2000

Fax 714.429.2050

December 19, 2005

334533.TM.TA.PS.CU

Mr. Larry Myers  
Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

Subject: Duke Energy South Bay Energy Facility

Dear Larry,

CH2M HILL is assisting Duke Energy with the preparation of an Application for Certification (AFC) before the California Energy Commission (CEC) for a new power plant located in the City of Chula Vista in San Diego County to be called the South Bay Energy Facility. Please see the enclosed study area map (T18S, R2W, Imperial Beach 7.5 Minute USGS quadrangle).

We would appreciate your checking the Sacred Lands Files to see if there are any culturally sensitive areas within the immediate project vicinity. We would also like to receive a list of MLD's appropriate for this area since we will attempt to contact local Indian groups to solicit their written input/concerns about the project.

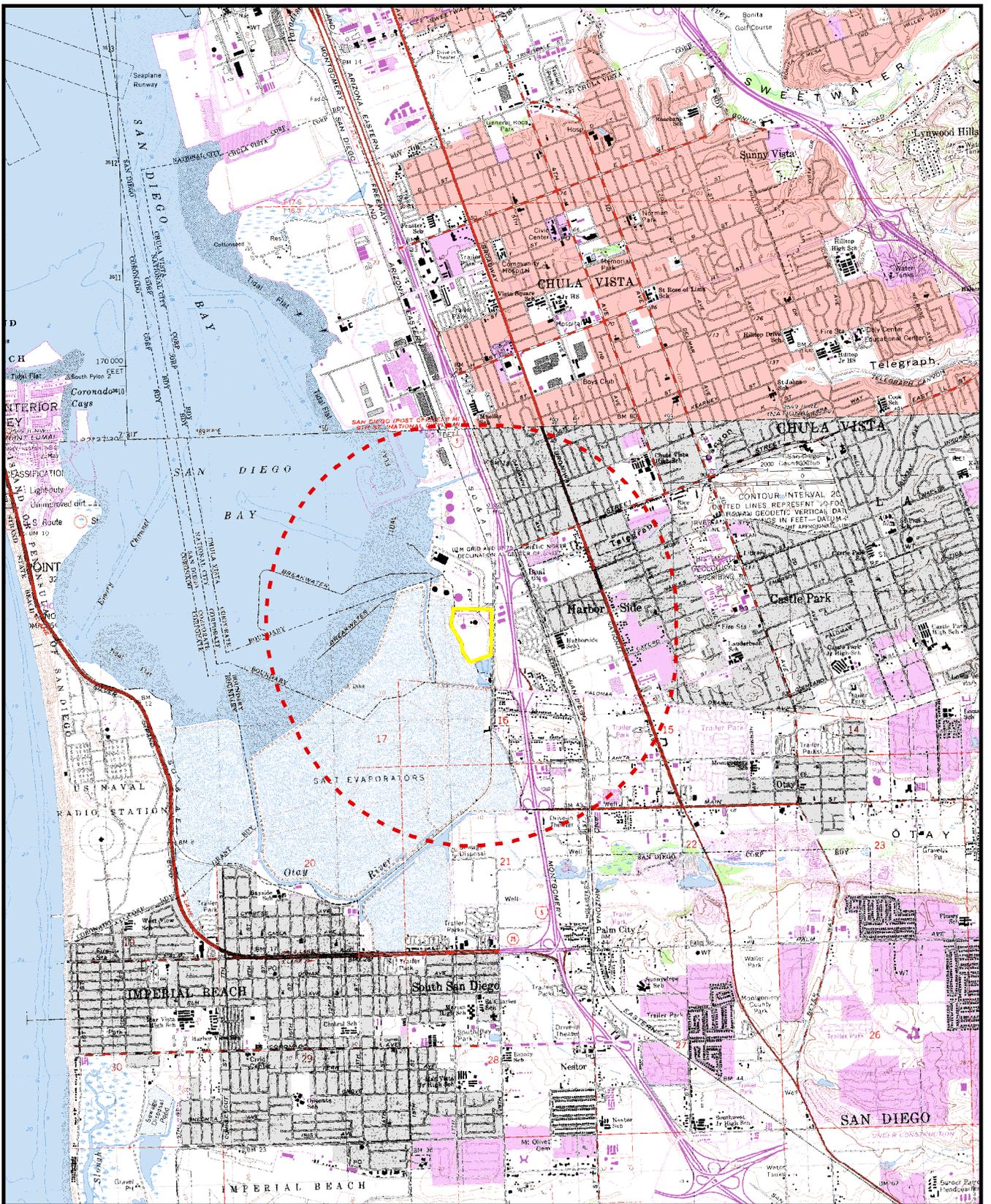
Thanks again for your cooperation and assistance. We look forward to your earliest possible reply. If you have any questions, please call me at 714-435-6140.

Sincerely,

CH2M HILL

Clint J. Helton, M.A., RPA  
Project Scientist

Enclosures: Project Location Map



\\galtgis2\DukeEnergy\Plots\SouthBay\_LocMap.mxd 12/2/2005

**LEGEND**

-  Proposed Energy Facility Site
-  1mile Buffer



Duke Energy -  
South Bay Energy Facility

Clint Linton  
Native Consultant  
Santa Ysabel Band of Diegueno Indians

May 1, 2006

Clint Helton  
Senior Scientist  
CH2MHILL

Re: South Bay Energy Facility

Dear Mr. Helton

In response to your request for Native concerns on the South Bay Energy Facility, I would like to offer these issues to be addressed:

-Even though the area is highly developed, there is still a possibility of existing pockets of cultural soil. From my experience as a local Archaeologist and as a Native Monitor, human remains can be present in these cultural soils.

-On previous coastal project I have found on multiple projects, human remains that have been brought in with the fill dirt from previous development.

With these facts in mind I request that the Archaeological Contractor obtain a local Kumeyaay/Diegueno Monitor to observe alongside an Archaeological Monitor.

If there are any further questions or concerns please feel free to contact me,

Sincerely,

Clint Linton  
Cell: (760) 803-5694  
P.O. Box 507  
Santa Ysabel, CA 92070

CH2M HILL Constructors Inc.  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



January 26, 2006

Clint Linton  
P.O. Box 507  
Santa Ysabel, CA 92070

Re: South Bay Energy Facility

Dear Clint Linton:

CH2M HILL is assisting Duke Energy with the preparation of an Application for Certification (AFC) before the California Energy Commission (CEC) for a new power plant located in the City of Chula Vista in San Diego County to be called the South Bay Energy Facility.

The project site is within a densely developed industrial and residential area. The project is located at T18S, R2W and T19S, R2W (Imperial Beach and National City 7.5 Minute USGS topographic maps). Please see the enclosed study area map.

CH2M HILL is conducting a cultural resources study for the proposed project and has researched the archaeological literature and records for the project. Results of the records search in December 2005 at the Southern California Coastal Information Center failed to identify archaeological resources within the project site. A search of the Sacred Land files by the Native American Heritage Commission (NACH) in December 2005 failed to indicate the presence of Native American sacred sites in the immediate Project vicinity.

If you know of any traditional cultural properties or values (e.g., burial sites, religious sites, or gathering sites) within the Project area shown on the enclosed map, or if you have any concerns regarding issues related to the overall Project, please contact me at (714) 435-6140 or by mail; you may also contact me at [chelton@ch2m.com](mailto:chelton@ch2m.com).

Your project comments and concerns are important to us. I look forward to hearing from you in the near future.

Respectfully yours,

A handwritten signature in black ink, appearing to read 'Clint Helton', written over a light blue horizontal line.

Clint Helton  
Senior Scientist

cc: File  
Enclosure—Map of Project Area

CH2M HILL Constructors Inc.  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



January 26, 2006

Barona Group of the Capitan Grande  
Rhonda Welch-Scalco, Chairperson  
1095 Barona Road  
Lakeside, CA 92040

Re: South Bay Energy Facility

Dear Rhonda Welch-Scalco:

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Fax 714.429.2050



January 26, 2006

Barona Group of the Capitan Grande  
David Baron  
1095 Barona Road  
Lakeside, CA 92040

Re: South Bay Energy Facility

Dear David Baron:

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Senior Scientist

cc: File  
Enclosure—Map of Project Area

CH2M HILL Constructors Inc.  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



January 26, 2006

Barona Group of the Capitan Grande  
EPA Specialist  
1095 Barona Road  
Lakeside, CA 92040

Re: South Bay Energy Facility

Dear EPA Specialist

CH2M HILL is assisting Duke Energy with the preparation of an Application for Certification (AFC) before the California Energy Commission (CEC) for a new power plant located in the City of Chula Vista in San Diego County to be called the South Bay Energy Facility.

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Clint Helton  
Senior Scientist

cc: File  
Enclosure—Map of Project Area

CH2M HILL Constructors Inc.  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



CH2MHILL

January 26, 2006

Coastal Garieleno Diegueno  
Jim Velasquez  
5776 42<sup>nd</sup> Street  
Riverside, CA 92509

Re: South Bay Energy Facility

Dear Jim Velasquez:

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Respectfully yours,

Clint Helton  
Senior Scientist

cc: File  
Enclosure—Map of Project Area

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3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



January 26, 2006

Inaja Band of Mission Indians  
Rebecca Osuna, Spokesperson  
309 S. Maple Street  
Escondido, CA 92025

Re: South Bay Energy Facility

Dear Rebecca Osuna:

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Your project comments and concerns are important to us. I look forward to hearing from you in the near future.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Clint Helton".

Clint Helton  
Senior Scientist

cc: File  
Enclosure—Map of Project Area

CH2M HILL Constructors Inc.  
3 Hutton Centre Drive  
Suite 200  
Santa Ana, CA 92707  
Tel 714.429.2000  
Fax 714.429.2050



January 26, 2006

Jamul Indian Village  
Leon Acevedo, Chairperson  
P.O. Box 612  
Jamul, CA 91935

Re: South Bay Energy Facility

Dear Leon Acevedo:

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January 26, 2006

Kumeyaay Cultural Historic Committee  
Ron Christman  
56 Viejas Grade Road  
Alpine, CA 92001

Re: South Bay Energy Facility

Dear Ron Christman:

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January 26, 2006

Kumeyaay Cultural Repatriation Committee  
Steve Banegas, Spokesperson  
1095 Barona Road  
Lakeside, CA 92040

Re: South Bay Energy Facility

Dear Steve Banegas:

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January 26, 2006

Kwaamii Laguna Band of Mission Indians  
Carmen Lucas  
P.O. Box 44  
Julian, CA 92036

Re: South Bay Energy Facility

Dear Carmen Lucas:

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January 26, 2006

Mesa Grande Band of Mission Indians  
Mike Linton, Chairperson  
P.O. Box 270  
Santa Ysabel, CA 92070

Re: South Bay Energy Facility

Dear Mike Linton:

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January 26, 2006

San Pasqual Band of Mission Indians  
Allen E. Lawson, Chairperson  
P.O. Box 365  
Valley Center, CA 92082

Re: South Bay Energy Facility

Dear Allen F. Lawson:

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Clint Helton  
Senior Scientist

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Enclosure—Map of Project Area



January 26, 2006

Santa Ysabel Band of Diegueno Indians  
Johnny Hernandez, Spokesperson  
P.O. Box 130  
Santa Ysabel, CA 92070

Re: South Bay Energy Facility

Dear Johnny Hernandez:

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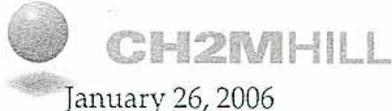
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January 26, 2006

Santa Ysabel Band of Diegueno Indians  
Devon Reed Lomayesva, Esq, Tribal Attorney  
P.O. Box 130  
Santa Ysabel, CA 92070

Re: South Bay Energy Facility

Dear Devon Reed Lomayesva:

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January 26, 2006

Santa Ysabel Band of Diegueno Indians  
Rodney Kephart, Environmental Coordinator  
P.O. Box 130  
Santa Ysabel, CA 92070

Re: South Bay Energy Facility

Dear Rodney Kephart:

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Senior Scientist

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Enclosure—Map of Project Area



January 26, 2006

Sycuan Band of Mission Indians  
Danny Tucker, Chairperson  
5459 Dehesa Road  
El Cahon, CA 92021

Re: South Bay Energy Facility

Dear Danny Tucker:

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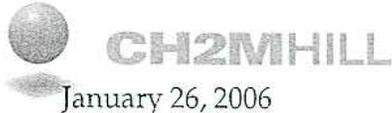
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January 26, 2006

Viejas Band of Mission Indians  
Anthony Pico, Chairperson  
P.O. Box 908  
Alpine, CA 91903

Re: South Bay Energy Facility

Dear Anthony Pico:

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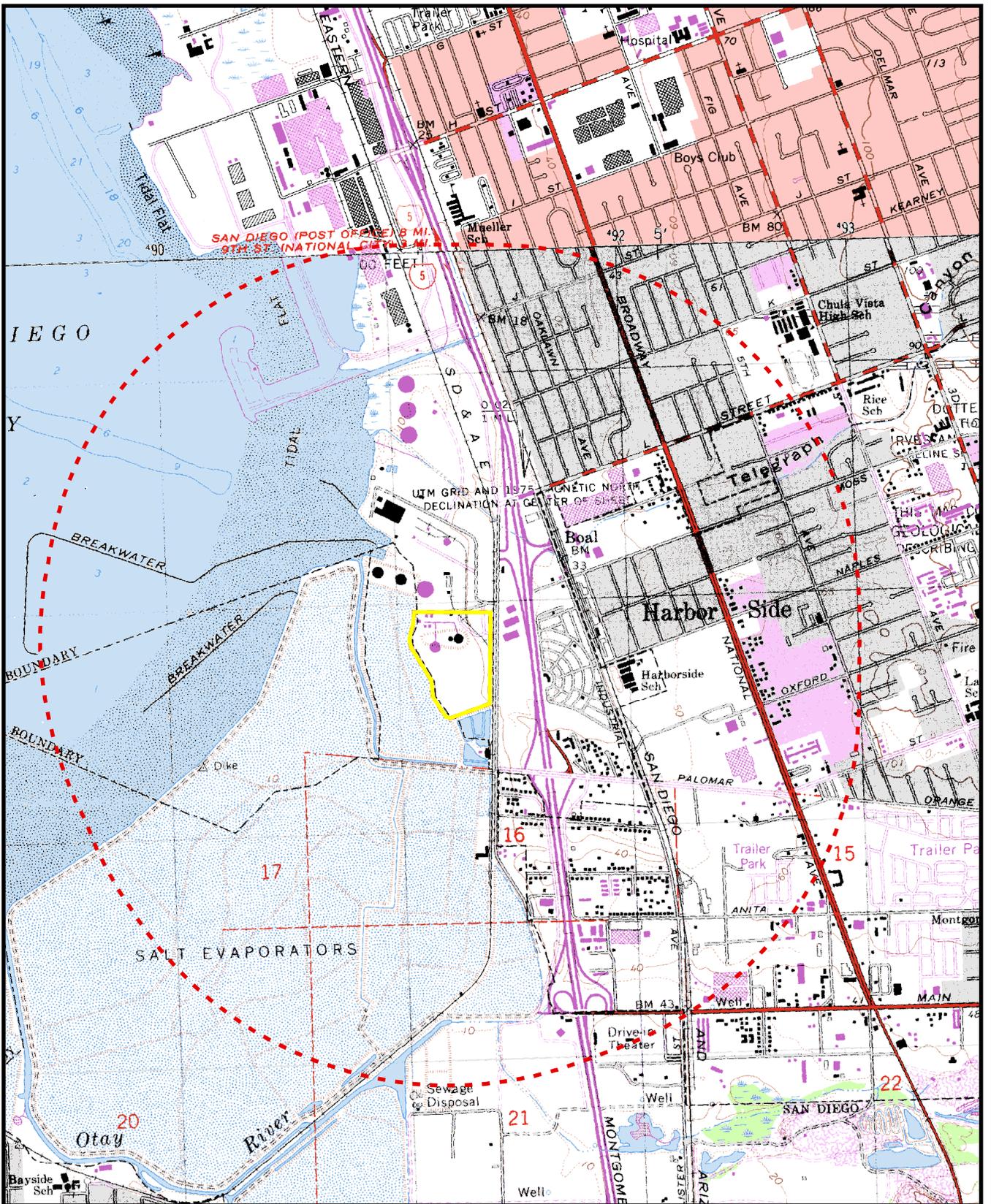
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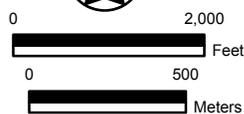


USGS Imperial Beach, Section 16 T18S, R2W

\\galtgis2\DukeEnergy\Plots\SouthBay\_LocMap\_v2.mxd 12/28/2005

**LEGEND**

-  Proposed Energy Facility Site
-  1 Mile Buffer



Duke Energy -  
South Bay Energy Facility



<b>SOUTH BAY ENERGY FACILITY PROJECT</b>		
<b>COURTESY PHONE CALL</b>		
<b><i>HISTORICAL SOCIETY</i></b>	<b><i>Date &amp; Time</i></b>	<b><i>Comments Summary</i></b>
Chula Vista Historical Society P.O. Box 1222 Chula Vista, CA 92012 619-427-8092	<b>5/19/06</b>  <b>4:44 pm</b>  Left voice message	
San Diego Historical Society and Museum PO Box 81825 San Diego, CA 92138 (619) 232-6203	<b>5/19/06</b>  <b>4:46 pm</b>  Left voice message.	
National City Historical Society P.O. Box 1251 National City, CA 92050 619-477-3451	<b>5/19/06</b>  <b>4:46 pm</b>  Phone number no longer in service.	
Coronado Historical Association P.O. Box 1811303 Coronado, CA 22178-0393 619-435-7242	<b>5/19/06</b>  <b>5:15 pm</b>  Left written message for Nick.	